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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/783,845	02/14/2001	Rupesh Kapoor	2941P001C2	3223

8791 7590 10/07/2004

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EXAMINER

HARRELL, ROBERT B

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 10/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b>	<b>Application No.</b> 09/783,845	<b>Applicant(s)</b> KAPOOR, RUPESH	
	<b>Examiner</b> Robert B. Harrell	<b>Art Unit</b> 2142	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 16 August 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☒ Applicant's reply has overcome the following rejection(s): all obviousness-type double patenting rejections.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:


Claim(s) allowed: 21-40.

Claim(s) objected to: none.

Claim(s) rejected: none.

Claim(s) withdrawn from consideration: 1-20 have been cancelled.

8. ☒ The drawing correction filed on 07 May 2001 is a) ☒ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☒ Other: see attached

  
 Robert B. Harrell  
 Primary Examiner  
 Art Unit 2142

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1. All terminal disclaimers now filed and of record disclaiming the terminal portion of any patent granted on this application that would extend beyond the expiration date of those in United States Patent 6,205,489 and United States Patent 5,884,038 has been reviewed and is accepted. These terminal disclaimers have been recorded.

2. Examiner places strong emphasis to paragraph 2 of examiner's prior action (Final Office Action mailed 7/20/2004) with respect to antecedent bases within the claims, such as claim 37 (line 2 "the plurality of servers"). This example was but an example; to which the applicant took no corrective action. The following are more examples, again, not a complete recital of those in the claims, which are congested full of cases where clear antecedent bases are lacking:

- a) "the IP address" claim 21 (line 3);
- b) "the Internet host" claims 24, 32 and 34 (lines 1-2), claim 26 (line 1), claim 29 (line 3);
- c) "the first one of the plurality of clients" claim 27 (line 2) [try substituting the whole of this phrase with -one of a plurality of clients-];
- d) "the other ones" claims 27 and 30 (line 3);
- e) "the first requesting client" claim 30 (lines 2-3);
- f) "the total weight" claim 31 (line 3), claim 33 (line 4);
- g) again, "the plurality of servers" claim 37 (line 2);
- h) "the relative weight of the first one of the plurality of servers" claim 37 (lines 9-10);
- i) "the total number of times" claim 37 (line 13);
- j) exc...

3. Any amendments correcting those cited above, and like others, by simply deleting "the" (or "said"), or converts such to "a" or "an" where warranted, shall not be viewed as a change in scope requiring further consideration and shall be entered.

4. The applicant should use this period for response to thoroughly and very closely proof read and review the whole of the application for correct correlation between reference numerals in the textual portion of the Specification and Drawings along with any minor spelling errors, general typographical errors, accuracy, assurance of proper use for Trademarks <sup>™</sup> were required, and clarity of meaning in the Specification, Drawings, and specifically the claims. Minor typographical errors could render a Patent unenforceable and so the applicant is strongly encouraged to aid in this endeavor.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert B. Harrell whose telephone number is (703) 305-9692. The examiner can normally be reached Monday thru Friday from 5:30 am to 2:00 pm and on weekends from 6:00 am to 12 noon Eastern Standard Time.

6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack B. Harvey, can be reached on (703) 308-9705. The fax phone numbers for the Group are (703) 746-7238 for After-Final, (703) 746-7239 for Official Papers, and (703) 746-7240 for Non-Official and Draft papers.

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7. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.

The applicant is again reminded to review the whole of the application for typographical errors. This sentence is again repeated from the last sentence of examiner's prior Office Action.

A handwritten signature in black ink, appearing to read "R. B. Harrell", is written over the typed name.

ROBERT B. HARRELL  
PRIMARY EXAMINER  
GROUP 2142